

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES



Brian Schweitzer
GOVERNOR

Anna Whiting Sorrell
DIRECTOR

STATE OF MONTANA

www.dphhs.mt.gov

Human and Community Services Division
111 N Jackson
Helena MT 59601
Phone 406-444-1788 Fax 406 444-2547

PO BOX 4210
HELENA, MT 59604-4210
(406) 444-5622
FAX (406) 444-1970

August 1, 2012

TO: All ABD Medicaid Policy Manual Holders
All Family Medicaid Policy Manual Holders
All TANF Cash Assistance Policy Manual Holders
All SNAP Policy Manual Holders

FROM: Nancy Clark, ABD Medicaid Policy Specialist
Teri McDonald, Family Medicaid Policy Specialist
Stephanie Wilkins, TANF Policy Specialist
Tammy Poppe, SNAP Policy Specialist

SUBJECT: Bulletin MA-111b (replaces MA-111 dated 7/1/12)
Bulletin FMA-68b (replaces FMA-68 dated 7/1/12)
Bulletin TB- 72
Bulletin SNAP- 90

TANF Manual: Place this bulletin at the beginning of TANF 400 and 500
ABD MA Manual: Place this bulletin between pages 2 and 3 of MA 402-2 and between pages 2 and 3 of MA 501-2
FMA Manual: Place this bulletin between pages 2 and 3 of FMA 402-2 and between pages 2 and 3 of FMA 501-2
SNAP Manual: Place this bulletin at the beginning of SNAP 400 and 500

SUBJECT: Nez Perce et. al. v. Salazar - Settlement of Tribal Trust
Accounting and Management Lawsuits

REFERENCE: Medicaid: P.L. 111-5, American Recovery and Reinvestment Act
of 2009 (ARRA)
SNAP: 7CFR 273.9(c)(2)(v); 273.8(c)

EFFECTIVE DATE: Immediately upon receipt

INTRODUCTION: Nez Perce et al v. Salazar is a lawsuit filed by 41 federally-recognized tribes represented by the Native American Rights Fund (NARF) and consolidated into one case, Nez Perce et al v. Salazar, against the United States Department of the Interior for mismanagement of monetary assets and natural resources held in

trust by the United States. When one of the 41 tribes settles, it is dismissed as a plaintiff in the Nez Perce case.

Of the 41 tribes, five Montana tribes have already received or will be receiving settlements. Tribes can disburse funds to members in any manner they determine, such as Per Capita payments, supportive services, etc.

The 41 tribes are:

1. Assiniboine and Sioux Tribes of the Fort Peck Reservation
2. Bad River Band of Lake Superior Chippewa Indians
3. Blackfeet Tribe
4. Bois Forte Band of Chippewa Indians
5. Cachil Dehe Band of Wintun Indians of Colusa Rancheria
6. Coeur d'Alene Tribe
7. Chippewa Cree Tribe of the Rocky Boy's Reservation
8. Confederated Tribes of the Colville Reservation
9. Confederated Salish and Kootenai Tribes
10. Confederated Tribes of the Siletz Reservation
11. Hualapai Tribe
12. Kaibab Band of Paiute Indians of Arizona
13. Kickapoo Tribe of Kansas
14. Lac du Flambeau Band of Lake Superior Chippewa Indians
15. Leech Lake Band of Ojibwe Indians
16. Makah Tribe of the Makah Reservation
17. Mescalero Apache Nation
18. Minnesota Chippewa Tribe
19. Nez Perce Tribe
20. Nooksack Tribe
21. Northern Cheyenne Tribe
22. Passamaquoddy Tribe of Maine
23. Pawnee Nation
24. Pueblo of Zia
25. Quechan Indian Tribe of the Fort Yuma Reservation
26. Rincon Luiseño Band of Indians
27. Round Valley Tribes
28. Salt River Pima-Maricopa Indian Community
29. Santee Sioux Tribe
30. Shoshone-Bannock Tribes of the Fort Hall Reservation
31. Soboba Band of Luiseño Indians
32. Spirit Lake Dakota Nation
33. Spokane Tribe
34. Standing Rock Sioux Tribe of the Fort Yates

Reservation

- 35. Swinomish Tribal Indian Community
- 36. Te-Moak Tribe of Western Shoshone Indians
- 37. Tohono O'odham Nation
- 38. Tulalip Tribe
- 39. Tule River Tribe
- 40. Ute Mountain Ute Tribe
- 41. Ute Tribe of the Uintah and Ouray Rese

NEW POLICY:

Medicaid and TANF: Payments derived from this settlement are excluded as income in the month received and as a resource thereafter. The first purchase with excluded Native American funds will also retain this exclusion.

SNAP: Money disbursed by tribes in ongoing recurring payments is counted as unearned income.

Money disbursed by tribes in the form of a nonrecurring lump-sum payment, the payment is counted as a resource in the month received. Due to expanded categorically eligibility (ECE) policy, SNAP benefits are unaffected because SNAP participants' resources are excluded.

If questions arise due to the way a tribe disburses the payment(s), please contact your Regional Policy Specialist and we will review the matter.

**UPDATED MANUAL MATERIAL WILL BE DISTRIBUTED AS SOON AS POSSIBLE.
UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS,
PLEASE CONTACT YOUR REGIONAL POLICY SPECIALIST**

